

Message Text

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PAGE 01 STATE 026882

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FM SECSTATE WASHDC

TO AMEMBASSY CONAKRY

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E.O. 11652: N/A

TAGS: GV, BGEN

SUBJECT: FOREIGN AGENTS REGISTRATION ACT--REPUBLIC OF
GUINEA

1. THE DEPARTMENT OF JUSTICE IS CONDUCTING EXAMINATIONS OF CERTAIN BOOKS AND RECORDS HELD BY REGISTERED AGENTS OF FOREIGN PRINCIPALS. LAW FIRM OF COVINGTON AND BURLING IS REGISTERED AGENT OF REPUBLIC OF GUINEA. IN RESPONSE TO JUSTICE'S REQUEST TO PERUSE ALL COVINGTON FILES CONCERNING GUINEA, COVINGTON HAS RESISTED ON GROUNDS OF APPLICATION OF ATTORNEY-CLIENT PRIVILEGE. ON JANUARY 31, 1975 COVINGTON INFORMED EMBASSY OF GUINEA OF THIS SITUATION AND REQUESTED INSTRUCTIONS AS TO WHETHER COVINGTON SHOULD CONTINUE INTERPOSING ATTORNEY-CLIENT PRIVILEGE, WHICH MAY INVOLVE EVENTUAL LITIGATION, OR WHETHER IT SHOULD ACCEDE TO JUSTICE DEMAND.

2. SINCE DEPT CONSIDERS THAT COVINGTON'S REQUEST TO GUINEAN EMBASSY MAY RECEIVE HIGH-LEVEL ATTENTION WITHIN GOG AND SINCE REAL POSSIBILITY EXISTS THAT GOG COULD MISCONSTRUE USG INTENTIONS, ON FEBRUARY 5 DEPTOFFS CALLED ON GUINEAN CHARGE AND ATTEMPTED TO PLACE JUSTICE'S ACTIVITIES IN THEIR PROPER PERSPECTIVE. DEPTOFFS LEFT WITH CHARGE FOLLOWING AIDE-MEMOIRE (UNNECESSARY WORDS DELETED):
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PAGE 02 STATE 026882

QUOTE THE USG WISHES CLARIFY TO GOVT OF REPUBLIC OF GUINEA PURPOSES AND INTENTIONS OF DEPT OF JUSTICE OF US IN REQUESTING AN EXAMINATION OF BOOKS AND RECORDS OF LAW FIRM OF COVINGTON AND BURLING IN RESPECT TO THAT FIRM'S REGISTRATION AS AN AGENT OF GOG.

UNDER FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED, INDIVIDUALS REPRESENTING INTERESTS OF FOREIGN GOVTS AND FOREIGN POLITICAL PARTIES IN SPECIFIED ACTIVITIES MUST REGISTER WITH DEPT OF JUSTICE AS AN AGENT OF FOREIGN PRINCIPAL. A COPY OF THE ACT IS ENCLOSED FOR REFERENCE. IN MID-1960'S, THE CONGRESS OF THE US BECAME CONCERNED ABOUT ADMINISTRATION OF ACT. THE CONGRESS EXPLORED VARIOUS SHORTCOMINGS IN ACT AND IN ITS ADMINISTRATION, AND IN 1966, ENACTED SUBSTANTIAL AMENDMENTS TO ACT TO IMPROVE ITS EFFECTIVENESS. IN 1974, THE CONGRESS, THROUGH GAO (AN AGENCY OF THE CONGRESS), CONDUCTED A THOROUGH EXAMINATION THE ADMINISTRATION OF ACT AS AMENDED. IN REPORT OF GAO TO THE CONGRESS, SEVERAL RECOMMENDATIONS FOR MORE EFFECTIVE ADMINISTRATION OF ACT WERE MADE. ONE OF THOSE RECOMMENDATIONS WAS FOR MORE AGGRESSIVE INSPECTION BOOKS AND RECORDS WHICH WERE REQUIRED TO BE MAINTAINED BY REGISTERED AGENTS SO AS TO INSURE FULL COMPLIANCE WITH ACT. THE DEPT OF JUSTICE ADOPTED THIS RECOMMENDATION AND INSTITUTED PROGRAM WHICH, WHEN COMPLETED WITHIN THREE YEARS, WILL RESULT IN AUDITING AND INSPECTION OF BOOKS AND RECORDS OF ALL CURRENTLY REGISTERED 520 AGENTS. COVINGTON AND BURLING IS, OF COURSE, ONE OF THESE AGENTS.

THE CONCERN OF DEPT OF JUSTICE IN CONDUCTING THESE INSPECTIONS IS THAT OF INSURING THE PROVISIONS OF FARA ARE COMPLIED WITH BY REGISTRANT. DEPT (OF JUSTICE) IS NOT OTHERWISE CONCERNED WITH CONTENTS OR SUBSTANCE BOOKS AND RECORDS AS THEY MAY PERTAIN TO INTERESTS OF THE GOG. THE AUDITING AND INSPECTION OF REGISTRANT'S RECORDS DOES NOT INDICATE DEPT OF JUSTICE BELIEVES THAT THERE HAS BEEN VIOLATION OF LAW IN ANY OF THE CASES.

THE USG TRUSTS THIS EXPLANATION, SUPPLEMENTING THAT LIMITED OFFICIAL USE

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PAGE 03 STATE 026882

WHICH MAY BE PROVIDED TO GOG BY LAW FIRM COVINGTON AND BURLING, WILL ASSIST GOG IN UNDERSTANDING CURRENT AUDITING AND INSPECTION PROGRAM OF DEPT OF JUSTICE. END QUOTE.

3. WHILE INSURING THAT GOG FULLY UNDERSTANDS PURPOSES AND INTENTIONS OF JUSTICE'S PROGRAM, IT CLEARLY IS NOT IN OUR INTEREST THAT GOG GAIN IMPRESSION THIS MATTER IS

SERIOUS OR IMPORTANT TO US-GUINEA RELATIONS.
CONSEQUENTLY, EMBASSY SHOULD NOT INITIATE DISCUSSION THIS
ISSUE WITH GOG. HOWEVER, IN EVENT THAT GOG

REPRESENTATIVES RAISE ISSUE, EMBASSY IS AUTHORIZED TO
DRAW UPON FOREGOING EXPLANATIONS. IN THAT EVENT, DEPT
WOULD APPRECIATE BRIEF TELEGRAPHIC REPORT. KISSINGER

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